

REMARKS

In light of the above amendments and remarks to follow, entry of this amendment and reconsideration and allowance of this application are respectfully requested.

Claims 19-22, 24, 25, 28, and 29 and amended claims 18, 23, 26, and 27 are in this application.

Claims 18, 19, 22-24 and 26-27 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,949,956 ("Fukuda") in view of U.S. Patent No. 5,617,145 ("Gonzales").

Independent claim 18 , as amended herein, recites in part as follows:

"wherein said step of modifying said reference value of said allocation data amount into an actual allocation data amount is characterized in that a total B av of allocation bit amount up to a current time is compared to a total B gen of actually generated coding bit amount up to the current time while coding the input signal for each unit time with a constant allocation bit amount b av, and if a value (B av - B gen) is positive, it is allowed to assign an allocation bit amount equal to or above b av which is defined as follows:

$$b_{av} = T_{GOP} \times BV / T_{SEQ}$$

wherein

BV is a bit amount available in a signal recording medium for a moving picture recording;

T SEQ is a time length of a moving picture sequence which can be recorded on a signal recording medium; and

T GOP is a unit time length."

It is respectfully submitted that the applied combination of Fukuda and Gonzales does not disclose the above-recited portion of independent claim 18. Accordingly, amended independent claim 18 is believed to be distinguishable from the applied combination of Fukuda and Gonzales.

For reasons similar to those described above with regard to claim 18, amended independent claims 23, 26, and 27 are believed to be distinguishable from the applied combination of Fukuda and Gonzales.

Claims 19, 22, and 24 depend from one of claims 18 and 23, and, due to such dependency, are believed to be distinguishable from the applied combination of Fukuda and Gonzales for at least the reasons previously described.

Claims 20, 21, 25, 28, and 29 were rejected under 35 U.S.C. §103(a) over Fukuda and Gonzales as applied to claims 18, 23, and 27 above and further in view of U.S. Patent No. 5,686,982 ("Chung").

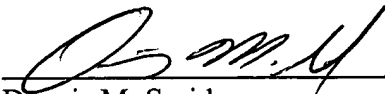
Claims 20, 21, 25, 28, and 29 depend from one of claims 18, 23, and 27, and, due to such dependency, are believed to be distinguishable from the applied combination of Fukuda and Gonzales for at least the reasons previously described. The Examiner does not appear to have relied on Chung to overcome the above-described deficiencies of the Fukuda and Gonzales combination. Accordingly, claims 20, 21, 25, 28, and 29 are believed to be distinguishable from the applied combination of Fukuda, Gonzales, and Chung for at least the reasons previously described

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing, entry of this amendment, favorable reconsideration and withdrawal of the rejection of claims 18-29 and the allowance of this application with claims 18-29 are respectfully requested.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


Dennis M. Smid
Reg. No. 34,930
(212) 588-0800